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October 22, 2008

**VIA HAND DELIVERY &
ELECTRONIC MAIL**

The Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street — Room 1620
New York, New York 10007

Re: Plaintiffs' Pre-Conference Letter

Dear Judge Scheindlin:

Plaintiffs respectfully submit this pre-conference letter in advance of the October 30, 2008, status conference.

Joint Agenda Items

Plaintiffs and the ExxonMobil defendants are exchanging proposed new focus case selections on Monday, October 27th and will report those selections to the Court at the conference.

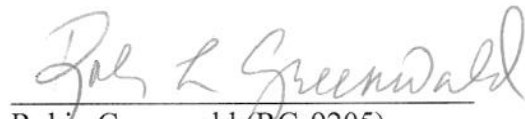
Miller Axline & Sawyer propose *New Jersey Department of Environmental Protection* as a focus case.

The City of New York and defendants continue to confer on well selection and trial schedule and will be prepared to report to the Court at the conference.

Respectfully submitted,

WEITZ & LUXENBERG, P.C.

By:



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